

of now, the seat should be filled until 1970 and not until just 1968.

THE PRESIDENT: Delegate Gallagher.

DELEGATE GALLAGHER: Again this is a matter I would leave to legislative determination. The question of expense would certainly be a factor which it would consider, and it would seem to me—

DELEGATE BURDETTE: You cannot leave it to the discretion in this language since, if they provided an election, there would have to be another election in 1968. An election called today under this language would run only until the middle of the term.

THE PRESIDENT: Delegate Gallagher.

DELEGATE GALLAGHER: Well, again I say by letting the General Assembly pick the choice of how it wants to fill it, it will have to use its discretion and its own wisdom in determining whether or not it ought to go the election route. Again I say it is up to the General Assembly.

THE PRESIDENT: Are there any further questions of the Committee Chairman? Delegate Beatrice Miller.

DELEGATE B. MILLER: I think that the Committee on Style changed this because we were under the impression that the General Assembly was to only fill it by appointment, and therefore you provided that the appointee should be of the same party as the predecessor.

If you adopt the language, Chairman Gallagher, that you are proposing, will there only be an election in the one party, since you say "a person chosen to fill a vacancy when succeeding a party member"? If he is chosen by election, he would then only be elected in one party.

THE CHAIRMAN: That apparently would be the effect of the language. Delegate Gallagher, is that the intention?

DELEGATE GALLAGHER: Mr. President, I would agree that that would be the effect of the language — that is not what we want. May I have one second, Mr. President?

THE PRESIDENT: Yes.

DELEGATE GALLAGHER: I think, Mr. President, if we did return to the use of the word "appointee", so that we would say, rather than "a person chosen", "appointee to fill a vacancy when succeeding a party member shall be a member of the same political party as his predecessor. The appointee shall serve only until".

THE PRESIDENT: Is there any objection to modifying the amendment in the manner suggested to strike from line 5 of the amendment the words "a person" — did you strike "chosen", also?

DELEGATE GALLAGHER: Yes.

THE PRESIDENT: Strike "A person chosen" and insert the words "appointee." I assume you would add "an"?

DELEGATE GALLAGHER: Yes.

THE PRESIDENT: "An appointee", and in line 8 strike the words "person chosen" and insert the word "appointee". Is there any objection to considering the amendment so modified? Delegate Scanlan.

DELEGATE SCANLAN: I would like to question Delegate Gallagher in view of the statement Delegate Miller made, which I do not think is in conformity with the understanding of the Legislative Committee.

THE PRESIDENT: Does this go to the question of modification?

DELEGATE SCANLAN: Yes.

THE PRESIDENT: Very well.

DELEGATE SCANLAN: As I understand our language originally, we wanted to give the General Assembly a free hand so if they wanted to have a special election they could. However, in the event they followed the appointment route, the language we originally proposed there would govern that. Is that correct?

DELEGATE GALLAGHER: That is correct.

THE PRESIDENT: Delegate Scanlan.

DELEGATE SCANLAN: Delegate Miller said that the Committee on Style was under the impression, and if they were it was an erroneous one, that we meant to preclude the General Assembly from permitting a special election to fill a vacancy. Certainly we never intended that; in fact, we meant to permit it.

DELEGATE GALLAGHER: That is my recollection. We specifically considered constitutionally requiring an election, and we decided not to do that. I think your recollection of what the general intention was is correct.

THE PRESIDENT: Delegate Ritter, do you object to the modification?

DELEGATE RITTER: No.

THE PRESIDENT: Is there any objection to the modification? If not, the amend-